



STATE OF INDIANA

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June 6, 2026

Re: Complaint 25-FC-241
Lochridge Nature Trust (Complainant) v.
Town of Cedar Lake (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed September 15, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 28, 2025, requesting a formal response by November 26, 2025. A formal response, submitted by Attorney David Austgen of Austgen Kuiper Jasaitis P.C. on behalf of Respondent, was received in this office on November 26, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the requested records.

ANALYSIS

The public policy of APRA states that “[p]roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.” Indiana Code (IC) 5-14-3-1. Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy Respondent’s public records during regular business hours. IC 5-14-3-3(a).

Complainant filed multiple APRA requests on December 11, 2024; February 24, 2025; March 18, 2025; June 17, 2025; and September 2, 2025. The request of September 2, 2025, was a recapitulation of the prior requests and is the essence of the complaint.

The records requested, too numerous to list here, sought records dealing with the formation and actions of the Respondent’s Storm Water Management Board, determination and adoption of storm water fees, actions of Town

officials and consultants, all records dealing with Outlot 9 and other plat and subdivision records, certain drainage easements, maps and consultant agreements, including potentially emails and correspondence associated there with.

Respondent replied to each of Complainant's requests noting that the requests had been received and estimating a time frame for delivery. Follow up correspondence from Respondent delivered those documents that could be identified by Respondent as being responsive to the request and in most cases informed Complainant that the remainder of the requests lacked reasonable particularity. The responses invited Complainant to submit refined requests in order for the Respondent to provide responsive records.

The September 2, 2025, request was a compilation of the former requests and an effort by Complainant to achieve reasonable particularity for its requests. Respondent replied on September 25, 2025, stating that the Town was working on the request and then again on October 14, 2025, producing multiple documents and once again asking for further refinement of the remaining requested information.

APRA provides that a request for inspection or copying must:

- (1) identify with reasonable particularity the record being requested; and
- (2) be, at the discretion of the agency, in writing on or in a form provided by the agency. IC 5-14-3-3(a).

Respondent argues that the request is not particular enough to facilitate a search. The requests sought massive amounts of records for expansive time periods including the phrases "any" and "all" records of generic types. Such language as "any and all communications" or "all contracts and agreements for multiple years" are generally not considered a reasonably particular request. *Opinions of the Public Access Counselor 10-FC-71 and 22-FC-71.*

The Indiana Court of Appeals addressed the meaning of the phrase, reasonable particularity, in *Jent v. Fort Wayne Police Dept*, 973 N.E.2d 30 (Ind. Ct. App. 2012) which involved a request for daily incident logs. The court concluded that reasonable particularity in a record request "turns in part, on whether the person making the request provides the agency with information that enables the agency to search for, locate, and retrieve the records."

When considering requests for emails this office has given guidance on the four (4) aspects of what is required to identify emails for purposes of record requests under the particularity provisions. The aspects are:

- 1) a named sender;
- 2) a named recipient;

- 3) a reasonable time frame and
- 4) a subject matter or set of unique and connected words.

Opinions of the Public Access Counselor 23-FC-59 and 25-FC-074.

In *Anderson v. Huntington County Bd. Of Commissioners*, 983 N.E.2d 613 (Ind. Ct. App. 2013) the Indiana Court of Appeals held that an identified sender and recipient of an email are necessary for a request to satisfy APRA's reasonable particularity standard. Anderson also referenced the trial court which "stated that allowing requests such as Anderson's would permit a "fishing expedition[.]" quoted again in *Opinion of the Public Access Counselor 13-FC-81*.

The Respondent has consistently informed the Complainant that its requests for records were not reasonably particular without denying the requests. Given that this was an ongoing process of give and take, we do not find that the time frame for producing responsive records was unreasonable.

The requests also sought information regarding approval processes rather than records.

APRA deals with request for records; an agency is not required under the APRA to answer questions or perform other acts beyond providing records in response to a request.

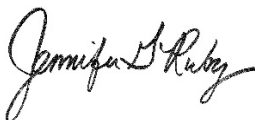
Opinions of the Public Access Counselor 13-FC-124 and 25-FC-152. However, Opinions of the Public Access Counselor 24-FC-34 and 25-FC-152 state it as:

[A] public agency is not required to answer questions to satisfy a public records request.

Complainant may revise and narrow its requests for records to make those requests reasonably particular under the APRA which would allow the Respondent to conduct a search. We do not find that the current requests comply with the statute.

CONCLUSION

This office finds that the Respondent did not violate APRA as alleged in the complaint.



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